

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JUSTIN WRIGHT, #1949550

§

v.

§

CIVIL ACTION NO. 6:17cv201

HAROLD CLAYTON, ET AL.

§

MEMORANDUM OPINION ADOPTING THE REPORT  
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Justin D. Wright, an inmate currently confined within the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell.

On June 26, 2017, Judge Mitchell issued a Report, (Dkt. #6), recommending that Wright's complaint be dismissed, without prejudice, for want of prosecution and failure to obey an order of the Court. A copy of this Report was sent to Wright at his address, return receipt requested. The docket illustrates that Wright received the Report before July 5, 2017, (Dkt. #7). However, to date, no objections to the Report have been filed.

Consequently, Wright is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #6), is **ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice. Finally, it is

**ORDERED** that any and all motions which may be pending in this case are hereby **DENIED**.

So **ORDERED** and **SIGNED** February 2, 2019.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior District Judge